

City of Memphis



DR. W. W. HERENTON
MAYOR

TENNESSEE

May 19, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Robert L. J. Spence, Jr.

be appointed to the Memphis and Shelby County Center City Revenue Finance Corporation Board with a term expiring December 31, 2014.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie W. Herenton", is written over a horizontal line.

Dr. Willie W. Herenton

WWH:jd

c: Council Members

**BIOGRAPHICAL DATA
OF
ROBERT L. J. SPENCE, JR.**

PERSONAL

Born: November 7, 1957, Chattanooga, Tennessee
Married: Dorchelle Terrell Spence
Four Children: Jarrett M.D. Spence, Nicholas R. Spence,
Emmanuel V. Spence and Maggie E. J. Spence

LEGAL EDUCATION

SCHOOL: Memphis State University
DEGREE: Juris Doctor, 1986
HONORS: Law Review Staff, 1984-1986
Associated Editor, Law Review,
1985-1986
American Jurisprudence Awards
Procedure III and Federal Courts

UNDERGRADUATE EDUCATION

SCHOOL: University of Tennessee
Center for Health Sciences,
Memphis
DEGREE: Pharmacy Degree, 1982
SCHOOL: University of Tennessee
Chattanooga
DEGREE: Bachelor of Science
Biology, 1979

LEGAL EXPERIENCE

Co-Founder, SpenceWalk, PLLC, 2005 – Present
Founder, Spence Law Firm, PLLC, 2003-2005
City of Memphis, City Attorney, 1997- 2004
Shareholder and Vice President, The Hardison Law Firm, a Professional
Corporation, 1995-2003
Partner, The Hardison Law Firm, 1991-1995
City of Memphis, Staff Attorney, 1992 -1997
Adjunct Law Professor, Memphis State University, 1987-1992
Associate Attorney, The Hardison Law Firm, 1986-1991
Law Clerk, Criminal Court Judges, Memphis, Tennessee, 1985-1986

PROFESSIONAL

Member - Memphis Bar Association
Member - National Bar Association
Member - Tennessee Bar Association
Member - Tennessee Bar Foundation
Member - American Association of Justice
Member - Tennessee Association of Justice
Memphis Leadership Academy
Member - Kappa Alpha Psi Fraternity
Board of Directors, Memphis Bioworks Foundation



ROBERT L. J. SPENCE, JR.

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**University of Tennessee Chancellor's Roundtable
Board of Directors, Memphis Bar Foundation
Board of Directors, Children's GMP – St. Jude Hospital (2006-2008)
Board of Directors, Ballet Memphis (2005-2008)
Board of Directors, Memphis Area Legal Services (1992-1996)
Board of Directors American Heart Association (1994-1997)
The University of Memphis Cecil C. Humphreys School of Law Alumni Board
Member**

NATURE OF PRACTICE

**Municipal law, corporate and business transaction, business and general
litigation, medial malpractice and healthcare law**

SPECIAL HONORS

1996 Olympic Torch Bearer

**MEMPHIS AND SHELBY COUNTY
CENTER CITY REVENUE
FINANCE CORPORATION BOARD
9 MEMBER BOARD
(4)CITY, (4)COUNTY , (1) JOINT
NO OATH OF OFFICE REQUIRED
6 YEAR TERM**

<i>MEMBERS</i>	<i>ADDRESS</i>	<i>TERM EXPIRES</i>
<i>CITY</i>		
Holcomb, Gene (City) M/W *Chairperson	Home Address: 820 River Park Drive Memphis, TN 38103 Res: 901-526-5425 Bus: 901-327-7437	December 31, 2008
Person, Walter O. (City) M/B	Home Address: 200 Perkins Ext. Memphis, TN 38117 Res: 901.683.5232 Cell: 901. 337.0863	December 31, 2014
Shaw, Lucy (City) F/B	Home Address: 1847 Foster Ave. Memphis, TN 38118 Res: 901-483-7754 Fax: 901-278-0114 E-mail: lucy.shaw@yahoo.com	December 31, 2014
Spence, Robert L. J. M/B <i>(New Appointment)</i>	Home Address: 1766 Forrest Ave. Memphis, TN 38112	December 31, 2014
Patterson, Cheryl W. F/B (Joint Appointment)	Home Address: 9322 Hollow Creek Cove Germantown, TN 38138 Res: 901-752-1642	December 31, 2008
<i>COUNTY</i>		
Brown, Paul	<i>UNAVAILABLE</i>	December 31, 2008
Grace, Wesley	<i>UNAVAILABLE</i>	December 31, 2010
Moore Jr., Johnny	<i>UNAVAILABLE</i>	December 31, 2008
Truitt, Martin	<i>UNAVAILABLE</i>	December 31, 2008

*Chairperson

**Memphis and Shelby County
Center City Revenue Finance Corporation Board
Attendance Records**

2008	Jan	Feb	Mar	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec	7
Lee Askew			✓	✓		✓	✓	✓			✓		6/7
Paul Brown			✓			✓	✓	✓				✓	5/7
Wesley Grace			✓	✓		✓	✓	✓			✓	✓	7/7
Gene Holcomb			✓	✓		✓	✓				✓		5/7
Robert Mayweather													0/7
Johnny Moore			✓	✓			✓	✓			✓		5/7
Cheryl Patterson							✓					✓	2/7
Lucy Shaw			✓			✓						✓	3/7
Martin Truitt				✓			✓	✓			✓	✓	5/7

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City of Memphis



DR. W. W. HERENTON
MAYOR

TENNESSEE

May 5, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Sandra H. Burke

be reappointed to the Public Art Oversight Committee with a term expiring August 31, 2010.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Herenton", is written over the word "Sincerely,".

Dr. Willie W. Herenton

WWH:jd

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

_Urban Arts Commission_____
BOARD/COMMISSION

Name: _____
Sandra H. Burke_____ Date of Birth: __6-23-1949

Business Address: _275 Walnut Gardens Drive Cordova, Tennessee
38018_____ Phone: 901-212-8733_____

E-Mail
Address:sandra_burke@bellsouth.net_____

Profession/Employer:
_Consultant_____

Education: B.S. University of
Tennessee/Knoxville_____

Name of Spouse: __n/a_____ Number of Children:
2_____

Home Address: 275 Walnut Gardens Cordova, Tennessee 38018
_____ Phone: 901-309-0492_____

City: Cordova_____ State: TN_____ Zip: 38018

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding
counties are not considered). Yes__x__ or No_____

Professional Organization/Associations: _SHRM, Board Member, Community Foundation of
Greater Memphis, Memphis Orchestral Society, Leadership Memphis
Class/1984_____

**PUBLIC ART OVERSIGHT COMMITTEE
7 MEMBER BOARD
2 YEAR TERM**

MEMBER	ADDRESS	TERM EXPIRES
City Appointments		
Burke, Sandra H. F/B (City) (Reappointment)	275 Walnut Gardens Cordova, TN 38018 Bus: 901.212.8733 Res: 901.309.0492 sandra_burke@bellsouth.net	August 31, 2010
Harmon, Erin F/W (City) (Reappointment)	1975 Manila Ave. Memphis, TN 38114 Cell: 901-482-1746 harmone@rhodes.edu	August 31, 2010
Willis, Marc M/B (City) (New Appointment) <i>Replace Joseph Nelson</i>	622 Charleston Court #201 Memphis, TN 38103 Cell: 901.864.2148 mwillis@omnischools.org	August 31, 2010
Urban Art Commission Appointments		
Fuller, Mary Jane F/W Chairperson <i>Replace Charles Shipp</i>	375 Williamsburg Lane Memphis, TN 38117 Res: 901.685.9436 Bus: 901.761.1622	
Pacini, Marina F/W	Memphis Brooks Museum of Art 1934 Poplar Ave. Memphis, TN 38104 Res: 901- 274-7644 Bus: 901-544-6204 marina.pacini@brooksmuseum.org	
Perkins, Beverly F/B	883 Philadelphia Memphis, TN 38104 Res: 901- 725-9346 Bus: 901-528-7673 bevperkins@hotmail.com	
**Wanda Halbert City Council Liaison	City of Memphis 125 N. Main St., Room 514 Memphis, TN 38103	

**Chairperson*

*** City Council Liaison*

Attendance Records **Public Art Oversight Committee**

07/08/2008- 03/10/2009

Total No. of Meetings (8)

City Appointments	Present	Absent
Sandra H. Burke	4	4
Erin Harmon	4	4
Joseph Nelson	2	6
Marina Pacini	5	3
Beverly Perkins	3	5
Charles Shipp/ Mary Jane Fuller	4 7	4 1
Councilwoman Wanda Halbert or Representative	4	4

City of Memphis



TENNESSEE

DR. W. W. HERENTON
MAYOR

May 5, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Erin Harmon

be reappointed to the Public Art Oversight Committee with a term expiring August 31, 2010.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "W. W. Herenton", is written over a horizontal line.

Dr. Willie W. Herenton

WWH:jd

c: Council Members



Professional Organization/Associations: COLLEGE ART ASSOCIATION

City of Memphis



DR. W. W. HERENTON
MAYOR

TENNESSEE

May 5, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Marc Willis

be appointed to the Public Art Oversight Committee with a term expiring August 31, 2010.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie W. Herenton", is written over a horizontal line.

Dr. Willie W. Herenton

WWH:jd

c: Council Members



Other Interests: Music, Music Education, Education

RESOLUTION

WHEREAS, the Council of the City of Memphis did approve Golf Irrigation, CIP Project Number PK06006, as part of the Fiscal Year 2009 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis did allocate \$1,088,000 in PK06006 in Fiscal Year 2009 for construction of new irrigation systems at Audubon and Pine Hill golf courses; and

WHEREAS, the Division of Park Services is preparing plans and specifications for bidding and construction purposes; and

WHEREAS, the Division of Park Services desires to appropriate funds within the Fiscal Year 2009 budget year prior to public bidding; and

WHEREAS, the Division of Park Services will bring the best bid to City Council for review and approval prior to contract award.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that there be and is hereby appropriated \$1,088,000 funded by G.O. Bonds – General and chargeable to the Fiscal Year 2009 Capital Improvement Budget, with said appropriation being credited as follows:

Project Title:	Golf Irrigation
Project Number:	PK06006
Amount:	\$1,088,000.00

RESOLUTION

WHEREAS, Council of the City of Memphis did include Botanic Garden Improvements, CIP Project Number PK08004 , as part of the Fiscal Year 2009 Capital Improvement Budget; and

WHEREAS, the City of Memphis is completing a Construction Agreement with the Memphis Botanic Garden Foundation with said agreement providing for the procedures for the use and payment of current and future Capital Appropriations; and

WHEREAS, it is necessary to appropriate \$440,000 in Construction funds, funded by G.O. Bonds General.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby appropriated \$440,000 in Construction funds, funded by G.O. Bonds General, chargeable to the Fiscal Year 2009 Capital Improvement Budget with said appropriation being credited as follows:

Project Title:	Botanic Garden Improvements
Project Number:	PK08004
Amount:	\$440,000.00

RESOLUTION

WHEREAS, Council of the City of Memphis did include the Tennis Improvements, CIP Project Number PK03001, as part of the Fiscal Year 2009 Capital Improvement Budget; and

WHEREAS, the City of Memphis is completing a Construction Agreement with Tennis Memphis, Inc., with said agreement providing for the procedures for the use and payment of current and future Capital Appropriations; and

WHEREAS, it is necessary to appropriate \$280,000 in Construction funds, funded by G.O. Bonds General.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby appropriated \$280,000 in Construction funds, funded by G.O. Bonds General, chargeable to the Fiscal Year 2009 Capital Improvement Budget with said appropriation being credited as follows:

Project Title:	Tennis Improvements
Project Number:	PK03001
Amount:	\$280,000.00

RESOLUTION

WHEREAS, the Council of the City of Memphis did include *Paving Improvements Major Maintenance*, CIP Project Number PK12005, as part of the Fiscal Year 2009 Capital Improvement Budget; and

WHEREAS, the project includes paving improvements at McFarland Community Center, located at 4955 Cottonwood Rd., and at Charles E. Powell Community Center, located at 810 Western Park Dr.; and

WHEREAS, bids were received on April 24, 2009 for paving improvements at McFarland and Charles E. Powell Community Centers, with the lowest and best complying bidder of eight bidders being Omega General Contractors, Inc. in the amount of \$112,901.00; and

WHEREAS, it is necessary to appropriate the total amount of \$121,933.00 funded by G.O. Bonds - General for the following:

Bid amount:	112,901.00
8% contingency amount:	9,032.00
	=====
TOTAL APPROPRIATION:	\$121,933.00

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$121,933.00 in *Paving Improvements Major Maintenance*, CIP Project Number PK12005, Contract Construction, funded by G. O. Bonds – General and chargeable to the Fiscal Year 2009 Capital Improvement Budget, with said appropriation being credited as follows:

PROJECT TITLE:	Paving Improvements
	Major Maintenance
PROJECT NUMBER:	PK12005

RESOLUTION

WHEREAS, the City of Memphis Division of Fire Services has received funds in the amount of Nine Hundred Seventy-Nine Thousand Two Hundred Dollars (\$979,200.00) from the State of Tennessee; and

WHEREAS, these funds will be used for In-Service Training for 1,632 Fire Service personnel who have met the 40-hour minimum in-service training requirement; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2009 Operating Budget to establish funds for the In-Service Training Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Nine Hundred Seventy-Nine Thousand Two Hundred Dollars (\$979,200.00) for the In-Service Training Grant

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the In-Service Training Grant funds in the amount of Nine Hundred Seventy-Nine Thousand Two Hundred Dollars (\$979,200.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2009 Operating budget be and is hereby amended by appropriating the Expenditures and Revenues for the In-Service Training Grant in the amount of Nine Hundred Seventy-Nine Thousand Two Hundred Dollars (\$979,200.00) as follows:

Revenue

In-Service State Grant	\$979,200.00
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Expenses

Full Time Salaries	\$979,200.00
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RESOLUTION

WHEREAS, the Administration is requesting that the Council of the City of Memphis modify the FY2009 Operating Budget by accepting funds from Drexel Chemical Company for replacement of foam; and

WHEREAS, the Division of Fire Services has entered into an agreement with the provider of the desired good, Williams Fire and Hazard Control at a total cost of \$16,500.00 (Sixteen Thousand Five Hundred Dollars); and

WHEREAS, it is necessary to appropriate \$16,500.00 (Sixteen Thousand Five Hundred Dollars) in Fire - Misc Revenue from Drexel Chemical Corporation for the purchase of foam;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY2009 Operating Budget is hereby amended with the acceptance and appropriations of funds from Drexel Chemical Corporation in the amount of \$16,500.00 (Sixteen Thousand Five Hundred Dollars).

BE IT FURTHER RESOLVED THAT THE SUM OF \$16,500.00 (Sixteen Thousand Five Hundred Dollars) in Fire -Misc Revenue is hereby appropriated and chargeable to the FY2009 Operating Budget.

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Fifty Two Thousand Five Hundred Dollars, (\$52,500.00) from the State of Tennessee Department of Labor Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Statewide Activities Grant; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2009 Operating Budget to establish funds for the WIA Title One Statewide Activities Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount Fifty Two Thousand Five Hundred Dollars (\$52,500.00) for the WIA Title One Statewide Activities Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Statewide Activities Grant in the amount of Fifty Two Thousand Five Hundred Dollars, (\$52,500.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2009 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Statewide Activities Grant in the amount of Fifty Two Thousand Five Hundred Dollars, (\$52,500.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Statewide Activities	<u>\$52,500.00</u>
TOTAL	\$52,500.00

Expense

WIA Title One Statewide Activities	<u>\$52,500.00</u>
TOTAL	\$52,500.00

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Twenty Six Thousand Two Hundred Fifty Dollars, (\$26,250.00) from the State of Tennessee Department of Labor Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Statewide Activities Grant; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2009 Operating Budget to establish funds for the WIA Title One Statewide Activities Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount Twenty Six Thousand Two Hundred Fifty Dollars (\$26,250.00) for the WIA Title One Statewide Activities Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Statewide Activities Grant in the amount of Twenty Six Thousand Two Hundred Fifty Dollars, (\$26,250.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2009 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Statewide Activities Grant in the amount of Twenty Six Thousand Two Hundred Fifty Dollars, (\$26,250.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Statewide Activities	<u>\$26,250.00</u>
TOTAL	\$26,250.00

Expense

WIA Title One Statewide Activities	<u>\$26,250.00</u>
TOTAL	\$26,250.00

RESOLUTION

WHEREAS, Chapter 263 of the Public Acts of Tennessee of 1979 (T.C.A. 67-5-1701) requires that the City of Memphis determine and certify, in the event of a general reappraisal, a tax rate which will provide the same ad valorem revenue as was levied during the previous year; and

WHEREAS, it is the intent of the City of Memphis to comply with the provisions of the said statute; and

WHEREAS, based upon such information as made available to the City of Memphis under the provisions of said statute, the City of Memphis has determined a tax rate year 2009 which will provide the same ad valorem revenue as was levied during the previous year.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that the certified tax rate required to be determined by the provision of Chapter 253 of the Public Acts of Tennessee of 1979 (T.C.A 67-5-1701) be 3.1957 per one hundred dollars of assessed valuation.



**CALCULATION FORM FOR CERTIFIED TAX RATE
MEMPHIS, TENNESSEE**

TAX YEAR 2009

1. Total locally assessed Real Property	10,369,871,190
2. Total assessed value of Personal Property	1,196,861,700
3. Total locally assessed property value (Line 1+2)	11,566,732,890
4a. New construction and improvements taxable for the first time this year	12,681,850
4b. New tangible personal property taxable for the first time this year	193,519,470
Total of 4a and 4b.....	206,201,320
5. Total locally assessed tax base (before adjustments by County Board of Equalization)(Line 3-4a+4b)	11,360,531,570
6. Net assessment gain from adjustments by County Board of Equalization	0
7. Net assessment loss from adjustments by County Board of Equalization Loss Adjustment = Line 5 x 5.3197%	-604,346,198
8. Estimated SAP assessed utilities: 2008 assessment/sales ratio = 774,395,088/.9330	830,005,453
9. Total Tax Base (Line 5+6+7+8)	11,586,190,825
10. Prior year's adjusted tax levy	370,258,760
11. Certified Tax Rate (before adjustment)	\$3.0373
12. PILOT adjustment, if any	0
13. Proposed Certified Tax Rate (After Adjustment)	\$3.1957

Assessor

Finance Director

AN INITIAL RESOLUTION OF THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENT TO THE AMENDED AND RESTATED INTERLOCAL AGREEMENT DATED MAY 15, 2002 AS SUPPLEMENTED AUGUST 10, 2004 TO EFFECT THE RE-FINANCING OF THE MEMPHIS ARENA PROJECT TO BE RE-FINANCED BY THE MEMPHIS AND SHELBY COUNTY SPORTS AUTHORITY, INC., RELATING TO THE ISSUANCE OF NOT EXCEEDING IN AGGREGATE PRINCIPAL AMOUNT \$160,000,000 OF REVENUE REFUNDING BONDS OF THE AUTHORITY IN TWO OR MORE SERIES PURSUANT TO THE PROVISIONS OF CHAPTER 67, TITLE 7 AND PARTS 3 AND 10 OF CHAPTER 21 OF TITLE 9 OF THE TENNESSEE CODE ANNOTATED TO REFINANCE A PORTION OF THE COST OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF THE MEMPHIS ARENA PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Memphis and Shelby County Sports Authority, Inc. (the "Authority") is authorized pursuant to Section 7-67-112 of the Tennessee Code Annotated to issue bonds, including the refunding of certain outstanding obligations of the Authority as described below, in accordance with the applicable provisions of Title 9, Chapter 21 of the Tennessee Code Annotated; and

WHEREAS, the Authority on May 29, 2002 issued its Revenue Bonds 2002 Series A (Memphis Arena Project) and Revenue Bonds, 2002 Series B (Memphis Arena Project) (collectively, the "2002 Senior Lien Revenue Bonds"), and its Subordinate Lien Revenue Bonds, 2002 Series C, Junior Subordinate Lien Revenue Bonds, 2002 Series D and Junior Subordinate Lien Revenue Bonds, 2002 Series E (collectively, the "2002 Subordinate Lien Revenue Bonds," which together with the 2002 Senior Lien Revenue Bonds are collectively hereafter referred to as the "2002 Revenue Bonds"), pursuant to Chapter 67 of Title 7 and Part 3 of Chapter 21 of Title 9 of the Tennessee Code Annotated, to finance the cost of acquisition, construction, and equipping of a new multipurpose arena (the "Project") to accommodate a National Basketball Association Franchise known as the "Grizzlies" and other sports, entertainment and civic events, including related and ancillary facilities and costs of issuance related to such 2002 Revenue Bonds.

WHEREAS, the Authority, Shelby County (the "County") and the City of Memphis, Tennessee (the "City") previously entered into an Interlocal Agreement (the "Interlocal Agreement") entitled, "**AMENDED AND RESTATED INTERLOCAL AGREEMENT RELATING TO THE FINANCING OF THE PROPOSED SPORTS AND BASKETBALL ARENA TO BE FINANCED BY THE MEMPHIS AND SHELBY COUNTY SPORTS AUTHORITY, INC.,**" dated as of May 15, 2002 in connection with the 2002 Revenue Bonds; and

WHEREAS, the Authority on April 3, 2007 issued its Variable Rate Demand Revenue Refunding Bonds (Memphis Arena Project), 2007 Series A and 2007 Series B (the "Refunded Bonds") and Revenue Refunding Bonds (Memphis Arena Project) 2007 Series C and 2007 Series D (collectively, with the Refunded Bonds, the "2007 Refunding Bonds") for the purpose of refunding a portion of the 2002 Revenue Bonds; and

WHEREAS, the Authority, the County and the City previously entered into a Supplement (the "Supplement") to the Interlocal Agreement entitled, **"SUPPLEMENT DATED AUGUST 10, 2004 TO AMENDED AND RESTATED INTERLOCAL AGREEMENT RELATING TO THE FINANCING OF THE PROPOSED SPORTS AND BASKETBALL ARENA TO BE FINANCED BY THE MEMPHIS AND SHELBY COUNTY SPORTS AUTHORITY, INC.,"** dated August 10, 2004 in connection with the refunding of a portion 2002 Revenue Bonds; and

WHEREAS, Parts 3 and 10 of Chapter 21 of Title 9 of the Tennessee Code Annotated set forth provisions relating to the issuance of revenue bonds; and

WHEREAS, Section 9-21-304 of the Tennessee Code Annotated requires the adoption and publication of an Initial Resolution relating to the issuance of revenue bonds; and

WHEREAS, pursuant to the provisions of Section 7-67-116 of the Tennessee Code Annotated, the City and the County believe it is in the best interests of the citizens of the City of Memphis and Shelby County, Tennessee to confirm that certain revenues are pledged to the Authority to support its issuance of Revenue Refunding Bonds for the purposes of refunding all or a portion of the Refunded Bonds and costs of issuance, and, in furtherance of the foregoing, the City, the County and the Authority propose to enter into a second supplement (the "Second Supplement") to the Interlocal Agreement; and

WHEREAS, in the event the revenues pledged to the support of the 2002 Revenue Bonds, the 2007 Refunding Bonds, any bonds which refund all or a portion of the 2007 Refunding Bonds (the "2009 Revenue Refunding Bonds") (collectively, the "Senior Lien Obligations") shall prove to be insufficient to pay the Senior Lien Obligations in any bond year, the City and the County, pursuant to the provisions of Section 7-67-116 of the T.C.A., have covenanted and will confirm such covenant in the Interlocal Agreement, as supplemented, to timely appropriate (the "Senior Debt Service Reserve Fund Replenishment Obligation") from legally available non-ad valorem revenues, in the fiscal year following the date of such deficit, but no later than October 31 of such fiscal year, sufficient moneys to replenish draws from the Senior Debt Service Reserve Fund relating to the Senior Lien Obligations used to pay Senior Lien Obligations in the prior year; and

WHEREAS, the obligation of the City and the County under the Interlocal Agreement, as supplemented to replenish draws on the debt service reserve fund relating to the Senior Lien Obligations shall be apportioned on the following basis: 50% County and 50% City, and shall not be joint; and

WHEREAS, depending on prevailing market conditions, the Authority may determine to issue its 2009 Revenue Refunding Bonds in separate series and at different times.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, as follows:

SECTION 1. The recitals set forth above are adopted by the Council as the findings of the City and are incorporated herein.

SECTION 2. That the Authority expects to issue its 2009 Revenue Refunding Bonds for the purpose of refunding all or a portion of the Refunded Bonds and related costs and costs of issuance.

SECTION 3. That the Senior Lien Obligations shall be payable on a parity with any of the Series 2002 Senior Lien Revenue Bonds and 2007 Refunding Bonds remaining outstanding after the issuance of the Series Senior Lien Obligations, from the following revenue sources: (1) the seat-use fee at the new multipurpose arena and from NBA events at the Pyramid Arena, (2) the rebate of sales tax revenues to the City and County for the exclusive use of the Authority derived from NBA events, concessions and the sale of NBA franchised merchandise in the County as authorized by §§67-6-103(d)(1) and 67-6-712 of the Tennessee Code Annotated, (3) City Hotel/Motel Tax Revenues pledged to the Authority pursuant to the provisions to §7-67-116 of the Tennessee Code Annotated, (4) certain County Hotel/Motel Tax Revenues pledged to the Authority pursuant to the provisions to §7-67-116 of the Tennessee Code Annotated, (5) payments in lieu of taxes from the Water Division of Memphis Light, Gas and Water pledged to the Authority pursuant to the provisions to §7-67-116 of the Tennessee Code Annotated and (6) certain rental car taxes collected pursuant to §67-4-1907 of the Tennessee Code Annotated and pledged to the Authority pursuant to the provisions of §7-67-116 of the Tennessee Code Annotated. Additionally, the City of Memphis and Shelby County, Tennessee will enter into a supplement to the Interlocal Agreement pursuant to the provisions of Chapter 9 of Title 12 and §7-67-116 of the Tennessee Code Annotated pursuant to which the City and the County will individually agree that in the event such revenues pledged to the support of the Senior Lien Obligations prove to be insufficient to pay debt service on such Senior Lien Obligations to timely appropriate from legally available non-ad valorem tax revenues, in the fiscal year following the date of such deficit, but no later than October 31 of such fiscal year, sufficient moneys to replenish draws from the debt service reserve fund used to make payment of the Senior Lien Obligations in the prior year. The obligation of the County and the City to replenish draws on the debt service reserve fund relating to the Senior Lien Obligations is apportioned on the following basis: 50% County and 50% City and shall not be joint.

SECTION 4. That the maximum amount of the City's Senior Debt Service Reserve Fund Replenishment Obligation under the Interlocal Agreement, as supplemented, is the debt service and related payment obligations under any related interest rate swap agreement (exclusive of any termination payments or penalties thereunder) on not to exceed \$125,000,000 of the Authority's Senior Lien Revenue Bonds, which is approximately one-half (½) of the such bonds.

SECTION 5. That the City's Senior Debt Service Reserve Fund Replenishment Obligation under the Interlocal Agreement, as supplemented, shall not bear interest, and that the 2009 Revenue Refunding Bonds shall bear interest at an average net interest cost of not to exceed the maximum rate permitted by law.

SECTION 6. That the Second Supplement to the Interlocal Agreement, in substantially the form presented at this meeting, be and the same is hereby approved and the Mayor is hereby authorized to execute his signature thereon on behalf of the City.

SECTION 7. THAT ANYTHING IN THIS INITIAL RESOLUTION TO THE CONTRARY NOTWITHSTANDING THE 2009 REVENUE REFUNDING BONDS AND THE DEBT SERVICE RESERVE REPLENISHMENT OBLIGATION AND THE SENIOR LIEN OBLIGATIONS ARE NOT GENERAL OBLIGATIONS OF THE AUTHORITY, THE CITY OF MEMPHIS OR SHELBY COUNTY, TENNESSEE, BUT ARE REVENUE OBLIGATIONS PAYABLE SOLELY FROM THE REVENUES AND RECEIPTS, SPECIFICALLY PLEDGED TO SUCH OBLIGATIONS, AND NEITHER THE STATE, NOR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE AUTHORITY, THE CITY AND THE COUNTY SHALL BE OBLIGATED TO PAY THE PRINCIPAL OF OR INTEREST ON SUCH BONDS OR THE DEBT SERVICE RESERVE REPLENISHMENT OBLIGATION ON SUCH SENIOR LIEN OBLIGATIONS OR OTHER COSTS INCIDENT THERETO, EXCEPT FROM THE REVENUES AND RECEIPTS PLEDGED THEREFOR, AND NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE STATE OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE AUTHORITY, THE COUNTY AND THE CITY, ARE PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON SUCH BONDS OR THE DEBT SERVICE RESERVE REPLENISHMENT OBLIGATION ON SUCH SENIOR LIEN OBLIGATIONS OR OTHER COSTS INCIDENT THERETO.

SECTION 8. The City hereby approves the issuance by the Authority of the 2009 Revenue Refunding Bonds in separate series and at separate times.

SECTION 9. This Resolution shall be published in full once in a newspaper of general circulation in Shelby County, Tennessee.

SECTION 10. The Mayor is hereby authorized to execute and deliver all papers, certificates, receipts, and other documents he may deem necessary or desirable, and to take all steps he may deem necessary or desirable to effect the transactions contemplated by this Resolution.

SECTION 11. This Resolution shall take effect immediately, and all resolutions in conflict with this Resolution are herewith repealed to the extent of such inconsistency.

Mayor

ATTEST:

Comptroller

Adopted: _____

**SECOND SUPPLEMENT DATED MAY __, 2009
TO
AMENDED AND RESTATED INTERLOCAL AGREEMENT
RELATING TO THE FINANCING OF
THE PROPOSED SPORTS AND BASKETBALL ARENA
TO BE FINANCED BY
THE MEMPHIS AND SHELBY COUNTY SPORTS AUTHORITY, INC.**

THIS SECOND SUPPLEMENT TO AMENDED AND RESTATED INTERLOCAL AGREEMENT RELATING TO THE FINANCING OF THE PROPOSED SPORTS AND BASKETBALL ARENA TO BE FINANCED BY THE MEMPHIS AND SHELBY COUNTY SPORTS AUTHORITY, INC. (the "Second Supplement"), dated May __, 2009 by and among Shelby County, Tennessee, a county of the State of Tennessee (the "County"), the City of Memphis, Tennessee (the "City") and The Memphis and Shelby County Sports Authority, Inc. (the "Authority").

WHEREAS, in connection with the Authority's Revenue Bonds, 2002 Series A (Memphis Arena Project) and Revenue Bonds, 2002 Series B (Memphis Arena Project) (collectively, the "2002 Senior Lien Bonds") issued to finance the cost of acquisition, construction, and equipping of a new multipurpose arena (the "Project") to accommodate a National Basketball Association Franchise known as the "Grizzlies" and other sports, entertainment and civic events, the Authority, the County and the City entered into an "Amended and Restated Interlocal Agreement Relating to the Financing of the Proposed Sports and Basketball Arena to be Financed by the Memphis and Shelby County Sports Authority, Inc.", dated May 15, 2002 (the "Original Agreement" and together with this Supplement, the "Agreement"), which, *inter alia*, pledged certain "Revenues" to the 2002 Senior Lien Bonds and other subordinate obligations as contemplated by the Original Agreement, as well as provided the City's and County's commitments relative to the "Senior Debt Service Reserve Fund Replenishment Obligation" as described in the Original Agreement; and

WHEREAS, on April 3, 2007 the Authority issued its Variable Rate Demand Revenue Bonds, 2007 Series A and 2007 Series B and Revenue Refunding Bonds, 2007 Series C and 2007 Series D (collectively, the "2007 Senior Lien Revenue Refunding Bonds") to refund a portion of the 2002 Senior Lien Bonds; and

WHEREAS, pursuant to the provisions of Section 7-67-116 of the Tennessee Code Annotated, the City and the County believe it is in the best interests of the citizens of the City of Memphis and Shelby County, Tennessee to confirm that certain Revenues are pledged to the Authority to support its issuance of revenue refunding bonds (the "2009 Senior Lien Revenue Refunding Bonds") for the purposes of refunding all or a portion of the 2007 Senior Lien Revenue Refunding Bonds, financing termination payments of interest rate swaps related to 2007 Senior Lien Revenue Refunding Bonds, and paying costs of issuance, and in furtherance of the foregoing, the City, the County and the Authority desire to enter into this Supplement to the Original Agreement; and

WHEREAS, the County, the City and the Authority desire to supplement the Original Agreement to confirm that the Senior Debt Service Reserve Fund Replenishment Obligation under the Agreement includes replenishment of any draws on the Senior Debt Service Reserve Fund to pay principal of and interest on the 2002 Senior Lien Revenue Bonds, the 2007 Senior Lien Revenue Refunding Bonds, the 2009 Senior Lien Revenue Refunding Bonds and any payments under any related interest rate swap agreement (exclusive of any termination payment or other penalties thereunder) (collectively, the "Senior Lien Obligations"); and

WHEREAS, depending on prevailing market conditions, the Authority may determine to issue its 2009 Senior Lien Revenue Refunding Bonds in separate series and at different times.

NOW, THEREFORE, the parties hereto agree as follows:

1. All capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Original Agreement, as supplemented.
2. All references in the Agreement to the Senior Lien Revenue Bonds shall be deemed to include the 2009 Senior Lien Revenue Refunding Bonds.
3. All references to "Senior Lien Indenture" shall be deemed to refer to that certain Trust Indenture by and between the Authority and Wachovia Bank, National Association, as Trustee dated as of May 1, 2002, as amended and supplemented, including to authorize the issuance of the 2009 Senior Lien Revenue Refunding Bonds.
4. Senior Debt Service Reserve Fund Replenishment Obligation shall also be deemed to include draws on the Senior Debt Service Reserve Fund with respect to payment of the Senior Lien Obligations.
5. The 2009 Senior Lien Revenue Refunding Bonds may be issued in separate series and at separate times.
6. In all other respects the City, the County and the Authority hereby confirm the provisions of the Original Agreement, as supplemented August 10, 2004.

IN WITNESS WHEREOF, the parties hereto have caused this Second Supplement to be duly executed and delivered by their respective officials thereunto duly authorized as of the date first written above.

SHELBY COUNTY, TENNESSE

APPROVED as to Form:

By: _____
Mayor

County Attorney

CITY OF MEMPHIS, TENNESSEE

APPROVED as to Form:

By: _____
Mayor

City Attorney

THE MEMPHIS AND SHELBY COUNTY
SPORTS AUTHORITY, INC.

APPROVED as to Form

By: _____
Chairman

By: _____
Counsel for the Authority

RESOLUTION

WHEREAS, the City of Memphis Anti-Blight Strategy includes a financial commitment from the City of Memphis of approximately Twenty Five Millions Dollars (\$25,000,000.00) over a five year period to fund the operations; and

WHEREAS, the City of Memphis, by and through its Division of Community Enhancement has included funding in the approved FY2009 Capital Improvement Program Funds in the amount of Five Million Dollars and 00/100 (\$5,000,000.00), as a portion of the fund for this worthwhile undertaking; and

WHEREAS, it is necessary to appropriate funds in the amount of Three Million Dollars (\$3,000,000.00) towards the Fiscal Year '09 total allocation for Five Million Dollars (\$5,000,000.00) related to expenses to remove slum and blight.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the FY09 Capital Improvement Budget be and is hereby amended by appropriating an allocation of Three Million Dollars (\$3,000,000.00) funded by G.O. Bonds with the Division of Community Enhancement Anti Blight Strategy, project number CD01068 for expenses related to slum and blight.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE IX, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO UPDATE REGULATIONS FOR THE INSPECTION OF MOTOR VEHICLES IN THE CITY OF MEMPHIS

WHEREAS, the administration of the City of Memphis desires to reduce the air pollution produced by the operation of motor vehicles within the boundaries of the city of Memphis, Tennessee for the protection of the public health, safety and welfare of its citizens; and .

WHEREAS, the City of Memphis seeks to implement new emissions testing to better regulate air pollution production resulting from the operation of motor vehicles within the boundaries of the city of Memphis; and

WHEREAS, it is necessary to modify the inspection requirements originally adopted to implement new emissions testing and specify vehicle inspection requirements.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 21, Article IX, Code of Ordinances, City of Memphis, is hereby deleted in its entirety and amended to read as follows:

Section 21-301	Definitions
Section 21-302	Motor Vehicle Inspection Requirements - Frequency
Section 21-303	Motor Vehicle Inspection Program/Fleet Inspections
Section 21-304	Motor Vehicle Emission Performance Test
Section 21-305	Motor Vehicle Emission Performance Test Criteria
Section 21-306	Exemptions from Motor Vehicle Inspection Requirements
Section 21-307	Motor Vehicle Anti-Tampering Test Criteria
Section 21-308	Motor Vehicle Anti-Tampering Test Methods
Section 21-309	Waiver Provisions
Section 21-310	Safety Inspection
Section 21-311	Motorcycle and Motor scooter Inspections
Section 21-312	Procedure when motor vehicle found defective
Section 21-313	Director of public service authorized to promulgate rules and regulations regarding inspection of vehicles

Sec. 21-301 DEFINITIONS

The following definitions shall apply to this article:

- (1) Air Pollution is any particulate matter or any gas or vapor other than water or any combination thereof including any physical, chemical, biological, radioactive substance or matter which is emitted into or otherwise enters the ambient air.
- (2) Antique motor vehicle is any motor vehicle over twenty-five years old which is owned solely as a collectors' item and is used for participation in club activities, exhibits, tours, parades and similar uses, but in no event for general transportation.
- (3) Carbon dioxide is a compound consisting of the chemical formula (CO₂).
- (4) Carbon monoxide is a compound consisting of the chemical formula (CO).
- (5) Catalytic converter is a pollution control device containing a catalyst for converting automobile exhaust into mostly harmless products.
- (6) Centralized Network means that motor vehicle inspections are conducted by the Local or State government at permanent locations.
- (7) Certificate of Compliance is a certification issued by a Department vehicle examiner or a fleet vehicle inspector that the motor vehicle identified on the certificate complies with the emission performance, safety, and anti-tampering criteria appropriate to the vehicle as specified in this regulation.
- (8) Check Engine Light see Malfunction Indicator Light (MIL).
- (9) Department means the City of Memphis Motor Vehicle Inspection Bureau ("MVIB").
- (10) Department Vehicle Examiner is any person employed by the City of Memphis Division of Public Services and Neighborhoods who is designated by the MVIB as qualified to perform vehicle emissions performance, safety, and anti-tampering inspections.
- (11) Diagnostic Trouble Codes (DTCs) is an alphanumeric code which is set in a vehicle's onboard computer when a monitor detects a condition likely to lead to (or has already produced) a component or system failure or otherwise contribute to exceeding emissions standards by 1.5 times the certification FTP standard.
- (12) Diesel powered motor vehicle is a motor vehicle powered by a compression-ignition internal combustion engine.
- (13) Electric powered motor vehicle is a motor vehicle which uses a propulsive unit powered exclusively by electricity.
- (14) Exhaust emissions are substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.
- (15) Exhaust gas analyzer is a device for sensing the amount of air pollutants, including carbon monoxide and hydrocarbons, in the exhaust emissions of a motor vehicle. For the purpose of this regulation, this shall mean analyzing devices of the non-dispersive infrared type or any other analyzing devices that provide equal or greater accuracy as approved by the United States Environmental Protection Agency.

- (16) Factory-Installed Motor Vehicle Pollutant Control System is a motor vehicle pollution control system installed by the vehicle or engine manufacturer to comply with the United States government motor vehicles emission control laws and regulations.
- (17) Federal Test Procedure (FTP) is the test procedure used to determine the compliance of vehicles with federal emission standards.
- (18) Fleet means ten (10) or more motor vehicles owned by the same person or business entity which are in-use, registered in any county that has been designated by the State of Tennessee Air Pollution Control Board to have a motor vehicle inspection and maintenance program in order to attain and maintain compliance with national ambient air quality standards within any area of Tennessee or an adjoining state and not owned or held primarily for the purpose of resale.
- (19) Fleet Inspection Operator is a business who has been certified, in accordance with this regulation and other requirements as determined by the MVIB to perform inspections on their own fleet, as defined herein.
- (20) Fleet Inspection Permit is a certificate issued by the MVIB authorizing a fleet operator to become a Fleet Inspection Operator.
- (21) Fleet Vehicle Inspector is any person retained by a fleet inspection operator holding a valid fleet inspection permit, and who is certified by the MVIB as qualified to perform vehicle emissions performance, safety, and anti-tampering inspections.
- (22) Fuel inlet restrictor is the leaded fuel nozzle restrictor installed on motor vehicles which was designed for the use of unleaded gasoline only.
- (23) Gasoline Cap is the manufacturer cover that seals the motor vehicle gasoline tank.
- (24) Gasoline powered motor vehicle is any motor vehicle powered by spark-ignition internal combustion engine.
- (25) Gross Vehicle Weight (GVWR) is a term defining the gross vehicle weight as determined from the combined manufacturer vehicle and maximum load rating.
- (26) Heavy-duty motor vehicle is any motor vehicle having a combined manufacturer vehicle and maximum load rating (GVWR) to be carried thereon in excess of 10,500 pounds (4,773 kilograms).
- (27) Hydrocarbon is any organic compound consisting predominantly of carbon and hydrogen.
- (28) Idle speed means the unloaded engine speed of a motor vehicle when the accelerator pedal is fully released. In a motor vehicle equipped with an automatic transmission, this is with the drive selector in neutral or park. In a motor vehicle equipped with a manual transmission, this is with the gear selector in neutral and the clutch fully engaged. In all motor vehicles, the engine operated accessories shall be turned off.
- (29) Internal combustion engine is any engine in which the combustion of gaseous, liquid or pulverized solid fuel takes place within one or more cylinders, or any engine with one or more combustion chambers.
- (30) Light-duty motor vehicle is any motor vehicle having a combined manufacturer vehicle and maximum load rating (GVWR) to be carried thereon of 10,500 pounds (4,773 kilograms) or less.

- (31) Malfunction Indicator Light (MIL) is known as the Check Engine Light. The Malfunction Indicator Light is illuminated on the dashboard when conditions exist likely to result in emissions exceeding FTP standards by 1.5 times or worse. Alternatives include "Service Engine Soon," as well as an unlabeled icon of an engine.
- (32) Manufacturers Idle-speed Specification is the engine idle speed specified for a particular motor vehicle as printed on the engine compartment emissions system data plate or in the owners' manual.
- (33) Model Year means the annual production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such production ends. If the manufacturer does not designate a production period, the year with respect to such motor vehicle or engines shall mean the twelve (12) month period beginning January of the year in which production thereof begins. The model year for a motor vehicle constructed by other than the original manufacturer shall be assigned by the Tennessee Department of Motor Vehicles
- (34) Motor vehicle is any self-propelled vehicle used for transporting persons or commodities on public roads.
- (35) Motor Vehicle Regulatory License is the annual motor vehicle license required as a condition for legal operation of certain classes of motor vehicles.
- (36) Motorcycle is any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, and having a curb weight of 2000 pounds (907 kilograms) or less.
- (37) New motor vehicle is any motor vehicle that has never been previously titled or registered in this or any other jurisdiction and whose ownership document remains as a manufacturer's certificate of origin.
- (38) Official Inspection Station means a facility operated by the City of Memphis MVIB to conduct motor vehicle inspections pursuant to this regulation, in a Centralized Network.
- (39) Onboard Diagnostics (OBD) is a system of vehicle component and condition monitors controlled by a central, onboard computer designed to signal the motorist when conditions exist which could lead to a motor vehicle's exceeding its certification standards by 1.5 times the FTP standard. OBD refers specifically to EPA's OBDII requirements. The following vehicles are equipped with OBDII systems: 1996+ Gasoline Powered vehicles less than 8500 lbs GVWR, 1997+ Diesel Powered vehicles less than 8500 lbs GVWR, and 2007+ Gasoline and diesel powered vehicles between 8500 and 14000 lbs GVWR.
- (40) OBD Data Link Connector (DLC) serves as an interface between a motor vehicle's OBD computer and the OBD scanner and is usually located under the dashboard on the driver's side. Connecting an OBD scanner to the DLC allows inspectors and motor vehicle repair technicians to read the readiness status of motor vehicle's onboard monitors as well as any diagnostic trouble codes.
- (41) Pollution Control Device is the equipment designed by the manufacturer for installation on a motor vehicle for the purpose of reducing pollutants emitted from the motor vehicle, or a system or engine modification on a motor vehicle which causes a reduction of pollutants emitted from the motor vehicle.

- (42) Readiness codes are status flags stored by a motor vehicle's onboard computer which is different from the DTC in that it does not indicate a motor vehicle fault, but rather whether or not a given monitor has been run (i.e. whether or not the component or system in question has been checked to determine if it is functioning properly).
- (43) RPM is a term describing the engine crankshaft revolutions per minute. (44) Tampering means to remove, render inoperative, cause to be removed, or make less operative any emission control device, unless such removal or act to render inoperative or less operative is for the purpose of motor vehicle disposal or salvage operation.
- (45) Vehicle Exhaust System means all devices, equipment and systems which transport exhaust emissions from the exhaust ports of the motor vehicle engine to the atmosphere.
- (46) Opacity is the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

Sec. 21-302 Motor Vehicle Inspection Requirements - Frequency

- (1) For the protection of the public health, safety and welfare and for the promotion of safe operation of motor vehicles on the streets and highways of the City, all motor vehicles and freight vehicles required to be registered under Chapter 21, Article 8 shall be inspected by the Public Service and Neighborhoods Division of the city or other authorized vehicle inspection agency at least one (1) time per year. Owners or drivers of all such motor vehicles shall present such motor vehicles for inspection to the Motor Vehicle Inspection Bureau ("MVIB") or other authorized location. The failure of the owner or driver of any such motor vehicle to present same for inspection as herein required is declared to be a misdemeanor.
- (2) All motor vehicles, including motorcycles and motor scooters, are required to have a Vehicle Identification Number Plate permanently affixed to the vehicle prior to inspection of same.
- (3) All motor vehicles are required to be inspected annually for compliance with (i) emissions performance; (ii) safety, and (iii) anti-tampering, unless specifically excluded in this article
- (4) Owners of motor vehicles so inspected are required to obtain a Certificate of Compliance, which shall be issued by the MVIB and/or a licensed fleet vehicle inspector, authorized pursuant to Sec. 21-303(3), only after the motor vehicle demonstrates compliance with the test criteria established herein.
- (5) The Certificate of Compliance shall be valid for ninety (90) days following the date of issuance and must be presented to the County Clerks' office prior to the issuance of the Wheel Tax or the Vehicle Regulatory License.
- (6) Any motor vehicle which is owned or operated by an agency of the federal government and which is operated on a federal installation located in any county that has been designated by the State of Tennessee Air Pollution Control Board to have a motor vehicle inspection and maintenance program is required to be inspected annually for compliance with emissions performance and anti- tampering criteria as specified in Sections 21-304, 21-305, 21-306, and 21-307. This requirement applies to all employee-owned or leased motor vehicles (including vehicles owned, leased, or operated by civilian and military personnel on federal installations. This requirement shall not apply to a motor vehicle which is on the facility for less than a total of sixty (60) days during the calendar year or tactical military vehicles.

- (7) Any motor vehicle which is operated on property owned by the City, County, and State government within the City of Memphis shall be inspected annually for compliance with emissions performance and anti-tampering criteria as specified in Sections 21-304, 21-305, 21-306, and 21-307. This requirement applies to all employee-owned or leased vehicles, excluding tactical vehicles. This requirement shall not apply to a vehicle which is operated on government property for less than a total of sixty (60) calendar days per year.

Sec. 21-303 Motor Vehicle Inspection Program/Fleet Inspections

- (1) The MVIB, through its motor vehicle inspection program is responsible for testing motor vehicles for compliance with emissions, anti-tampering and safety standards.
- (2) All motor vehicle inspections shall be conducted at official or mobile inspection stations operated by the MVIB, except those fleet inspections authorized pursuant to subsection 3 below.
- (3) In lieu of the requirement in subsection 2 above, the City Council, by resolution, upon recommendation of the Public Services and Neighborhoods Division, when it finds it is necessary that inspections be made other than by the Public Services and Neighborhoods Division, is authorized to permit the Public Services Division, to issue rules and regulations and to grant the privilege to operators of fleets of ten (10) or more motor vehicles and similar establishments to conduct inspections of its own fleet at a rate established by the MVIB in the rules and regulations. The Mayor shall be authorized to contract with such establishments that meet the standards set by the Public Services and Neighborhoods Division, consistent with those used by the MVIB.
 - (a) A fleet vehicle operator may make application to the MVIB for a fleet inspection permit. Minimum requirements for issuance of a permit shall be:
 - (i) Possession of an emissions analyzer, tools and other testing equipment approved by the MVIB, and in accordance with the applicable rules and regulations, to be adequate for conducting the required emissions inspections;
 - (ii) Demonstration of knowledge regarding the methods and procedures for conducting the required emissions performance, safety and anti-tampering inspections according to criteria developed by the MVIB;
 - (iii) Provisions of appropriate facility for motor vehicle testing and secure storage facility for storing inspection records;
 - (iv) Agreement to supply inspection information as requested by the MVIB and to allow access to testing facility, testing equipment, testing personnel, testing data, inventory and fleet vehicles as requested by the MVIB;
 - (v) Retention of a certified Automotive Service Excellence mechanic to conduct fleet vehicle inspections.
 - (b) A fleet inspection permit shall be valid for one year from the date of issuance and shall be renewed through application to the MVIB within thirty (30) days prior to the date of expiration.
 - (c) A fleet inspection permit is not transferable and may be denied, suspended or revoked by the MVIB for failure to comply with this regulation and other requirements as determined by the Department, in its sole discretion.

- (d) Any person operating as a fleet inspection operator, which (i) changes its business name, ownership, official inspection personnel, or approved emissions analyzers; or (ii) ceases to operate a *fleet operation* shall notify the MVIB program manager within ten (10) days of such change. Failure to provide such notice may be cause for the MVIB to revoke the fleet inspection permit.
- (e) A fleet inspection operator shall notify, and obtain written approval of, the MVIB Program Manager prior to relocating its fleet operation. A fleet inspection permit shall automatically terminate as a result of a fleet inspection operator's failure to obtain prior written approval as required herein.
- (f) Any vehicle inspected by a fleet inspection operator, under the provision of this section, shall be subject to retesting at either the fleet inspection location or an official inspection station as deemed necessary by the Department in order to maintain compliance with the intent of this regulation.

Sec. 21-304 Emission control devices and emissions generally.

Pursuant to § 21-351, every gasoline-powered motor vehicle shall be subject to inspection for emission of pollutants.

Sec. 21-305 Motor Vehicle Emission Performance Test Criteria

- (1) Motor vehicles shall not be allowed to undergo idle emission performance testing if, when the motor vehicle is presented for testing, smoke is present from the exhaust system, or the motor vehicle is overheating or losing fluids. Such presence is a health nuisance and would interfere with the operation of the testing equipment.
- (2) Motor vehicles shall not be allowed to undergo idle emission performance testing if, when the motor vehicle is presented for testing, the vehicle identification number (VIN) plate is missing or illegible.
- (3) To successfully pass the emission performance testing, the idle speed of the vehicle shall not exceed manufacturer specifications.
- (4) For vehicles subject to idle emission tests, if the vehicle exhaust system leaks in such a way as to dilute the exhaust emissions being sampled by the exhaust gas analyzer, the sum of carbon monoxide and carbon dioxide concentrations recorded for idle speed reading from an exhaust outlet must not be less than six percent (6%).
- (5) All 1996 and newer gasoline-powered motor vehicles and all 2002 and newer diesel-powered motor vehicles that are equipped with OBDII systems shall be subject to an OBD inspection for emissions testing. An OBD check shall consist of two parts: a visual check of the MIL and an electronic examination of the OBD computer. The motor vehicle is required to pass a MIL command on test, readiness evaluation and a bulb check test. A vehicle shall fail the OBD inspection if one or more of the following conditions exist:
 - a. The vehicle's MIL is commanded-on and there are DTCs stored in the computer.
 - b. The vehicle has more than the allowable number of monitors not ready:
 - i. 1996-2000 models: 2 monitors
 - ii. 2001+ models: 1 monitor
 - c. The vehicle's MIL fails to illuminate when the ignition key is placed in the key-on engine off position.

- (6) If the vehicle is incompatible with the OBD test equipment or if the DLC is readily unavailable (e.g., behind fender walls, under seats, etc.), then the vehicle is required to pass the MIL command on test readiness evaluation and a bulb check test conducted by the station supervisor.
- (7) All gasoline-powered motor vehicles that are not equipped with OBDII systems shall be subject to gasoline cap and idle emissions testing.
- (8) When a motor vehicle is equipped with other than the original engine or when a motor vehicle has been constructed, modified, customized or altered in such a way so that the model year cannot be clearly determined, the motor vehicle shall be classified, for purposes of the emission performance test, by the model year of the chassis.
- (9) All gasoline-powered motor vehicles which have idle speed emission values that exceed the test standards specified in Table I below shall fail the emission performance test.

TABLE I
MAXIMUM IDLE SPEED EMISSIONS ALLOWABLE
DURING IDLE SPEED EMISSIONS TEST

Vehicle Model Year	CO (%)		HC (PPM)	
	Light Duty Vehicle Less Than or Equal to 6,000 lbs GVWR	Light Duty Vehicles Greater Than 6,000 lbs to 10,500 lbs GVWR	Light Duty Vehicles Less Than or Equal to 6,000 lbs GVWR	Light Duty Vehicles Greater Than 6,000 lbs to 10,500 GVWR
Pre-72	8.2	8.9	700	900
1973-74	8.2	8.9	700	900
1975-77	5.0	6.5	500	750
1978-79	4.0	6.0	400	600
1980	3.0	4.5	300	400
1981-95	1.2	4.0	220	400
1996+	NA	4.0	NA	400

Heavy Duty Vehicles
10,501 lbs to 25,999 lbs GVWR

Year	CO (%)	HC (PPM)
Pre-72	8.9	1,000
1973-74	8.2	1,000
1975-79	8.0	1,000
1980	6.0	800
1981-85	4.0	800
1996+	4.0	800

Sec. 21-306 Exemptions from Motor Vehicle Emission Requirements

- (1) The following classes of motor vehicles are exempt from the emission requirements established in Sections 21-304 and 21-305 of this Chapter:
 - (a) Antique motor vehicles with antique registration;
 - (b) Electric powered light-duty vehicles;
 - (c) Motorcycles;
 - (d) Motor scooters;
 - (e) New motor vehicles registered for first time.
 - (f) Tactical military vehicles;
 - (g) Vehicles over 26,000 GVWR

Sec. 21-307 Motor Vehicle Anti-Tampering Test Criteria

- (1) Each gasoline and diesel-powered motor vehicle subject to an emission performance test is also subject to a visual anti-tampering inspection under this rule and shall comply with the following minimum anti-tampering requirements:
 - (a) At a minimum, the emissions control devices subject to an inspection are the catalytic converter, and fuel cap. If emission control devices are found in a tampered condition, such devices shall be repaired or replaced prior to any retesting, re-inspection or waiver issuance as provided for in Sections 21-312 and 21-309.
 - (b) Nothing in this section shall be construed as to relieve a motor vehicle owner from complying with the provisions of Sections 21-304 and 21-305.
- (2) Each gasoline and diesel-powered motor vehicle, subject to an OBD inspection, is also subject to an anti-tampering test and shall comply with a DLC check.

Sec. 21-308 Motor Vehicle Anti-Tampering Test Methods

- (1) The motor vehicle anti-tampering test shall be verified by the Department vehicle examiner and consists of the following elements:
 - (a) The vehicle examiner shall visually check the vehicle to see that the appropriate fuel cap is securely in place and limits the escape of fumes into the environment.
 - (b) If the appropriate fuel cap is present and the vehicle is 1995 or older model, the gas cap shall be removed and a fuel cap pressure test shall be performed to assure the cap is working properly, (F.T.P. 26-21 Pass/Fail Standard). If the fuel cap fails the pressure test, it shall result in a failure of the anti-tampering test. If the appropriate fuel cap is not in place or is damaged, it shall result in failure of the anti-tampering test.
 - (c) Each gasoline-powered motor vehicle with a model year of 1996 and newer, and each diesel-powered motor vehicle with a model year of 2002 and newer, shall comply with the DLC inspection. If the DLC has been tampered with or is missing, it must be repaired or replaced prior to any retesting or re-inspection.

- (2) Pass/fail determination. A pass or fail determination shall be made for each of the anti-tampering test elements in this section. If a motor vehicle fails any of the anti-tampering elements, it shall result in the failure of the motor vehicle inspection test and a Certificate of Compliance shall not be issued until the repairs have been made to the vehicle, in accordance with Section 21-312.

Sec. 21-309 Waiver Provisions

(1) The purpose of this section is to allow a person to operate a motor vehicle that fails to meet the applicable motor vehicle emission performance test criteria as specified in Sections 21-304 and 21-305, provided the department has issued a waiver to the owner of the motor vehicle.

- (a) A waiver issued pursuant to this section shall relieve the registered owner of a motor vehicle from responsibility for taking any further action to reduce exhaust emissions from the motor vehicle until the motor vehicle is next due for inspection, pursuant to Section 21-302.
- (b) Any registered owner of a motor vehicle may be eligible and may apply to the department for a waiver pursuant to this rule if:
 - (i) An application for a waiver is submitted to a representative at an inspection site designated by the department; and
 - (ii) The vehicle passed the tampering portion of the vehicle inspection; and
 - (iii) All of the exhaust emissions components appropriate to make, model, year, series, and engine size are in place and visually operating; and
 - (iv) The motor vehicle failed the three emissions tests, including retest after repairs; and
 - (v) The registered owner of the motor vehicle has spent the required amount, pursuant to parts a, b, or c of this subparagraph, in parts and/or labor as an attempt to bring the vehicle into compliance with the motor vehicle emission performance test criteria as specified in Section 21-305 and has satisfied the remaining requirements of this subparagraph:
 - a. For 1980 and older model year vehicles – the minimum expenditure requirement is \$75.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part d of this section.
 - b. For 1981 through 1995 model year vehicles – the minimum expenditure requirement is \$200.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part 4 of this section.
 - c. For 1996 and newer model year vehicles – the minimum expenditure requirement is \$650.00. All repairs must be appropriate and/or related to the cause of the test failure. This expenditure includes parts and labor, as specified in part 4 of this section.
 - d. The cost of labor can be applied towards the expenditure amount only if the repairs were performed by a certified repair technician (National Institute for Automotive Service Excellence [ASE] certified in engine repair and engine performance). Repairs performed by non-technicians (e.g., owners) may only apply the cost of parts towards the expenditure.

- e. Documentation of repairs must be provided to the Department. Documentation shall include dated receipts itemized with the name of each part, part number, and manufacturer.
 - f. Emission related repairs were performed on the motor vehicle sixty (60) days before or after the initial failed exhaust emissions inspection.
 - g. Proof of registration is provided to the department. (Example: Title, vehicle registration).
 - h. The registered owner of a motor vehicle, within the failed vehicle's warranty period, shall use all available warranty coverage to have repairs made that are directed toward correcting the cause of the motor vehicle's inspection failure prior to applying for a waiver and provide support documentation pursuant to subparagraph (a) or (b) of this paragraph:
 - a. Documentation indicating that any available warranty coverage has been used to have the repairs made that are directed toward correcting the cause of the motor vehicle's failure to pass the motor vehicle inspection shall be provided to the Department; or
 - b. A written denial of warranty coverage for the needed repairs from the manufacturer or authorized dealer shall be provided to the Department.
 - (vi) Prior to the issuance of a waiver, Department staff shall perform a visual (underhood) inspection of the motor vehicle. This inspection will be performed to determine that emission related repairs have been completed and verify that the minimum expenditure has been met. If during the visual inspection any motor vehicle tampering, as defined in Section 21-307, is discovered, a waiver cannot be granted.
 - (vii) The waiver shall be valid for one year or until the next registration expiration date, whichever is sooner.
 - (viii) A waiver shall be granted to the registered owner of a motor vehicle provided the requirements of this section have been fulfilled.
 - (ix) Upon receiving a waiver from the department, the registered owner shall be exempt from the requirements of section 21-302 within the time period prescribed in paragraph (vii) above.
- (2) Upon application, the department may issue an exemption, as specified in paragraphs (a), (b), or (c) below, from the inspection requirements pursuant to this Article, provided the subject motor vehicle is registered in the name of the individual applying for the exemption and (i) is not impounded or non-operational; (ii) has never been inspected or has not failed inspection within the past ninety (90) days; or (iii) is not registered in another city or state.
- (a) Out-of Town Exemption. The department may grant an exemption for a vehicle that is out-of-town during the required annual inspection period, subject to the following requirements:
 - i. The motor vehicle must be a minimum of three hundred (300) miles outside of the City;
 - ii. The applicant must complete the application required by the City and provide all documentation required by the department; and
 - iii. In the event a federal-approved emissions program is available in the locale

where the motor vehicle is located, the motor vehicle must successfully pass a federal emissions test.

- (b) **Military Exemption.** The department may grant an exemption for active-duty military personnel, including his or her spouse, when the military personnel's vehicle(s) are out-of-town during the required annual inspection period, subject to the following requirements:
 - i. The individual must provide evidence of an active-duty military identification and Leave Earning Statement (LES), issued by the military, of the motor vehicle owner or his or her spouse;
 - ii. In the event the motor vehicle was registered in another state, the vehicle must successfully pass a federal emissions test; and
 - iii. The individual must complete the application required by the City and provide all documentation required by the department.
- (c) **Reciprocal Inspection.** The department may grant an exemption for motor vehicles inspected at another federal-approved inspection facility in another locale, subject to the following requirements:
 - i. The motor vehicle must have passed a federal-approved emissions test within the past ninety (90) days, and the individual must provide evidence of a certificate of compliance from such federal-approved inspection facility;
 - ii. The certificate of compliance, as referenced in the preceding paragraph, shall be valid for a period of ninety (90) days from the test completion date.

Sec. 21-310 Safety Inspection

In addition to any and all other tests required herein, all motor vehicles registered in the City of Memphis shall pass the safety inspection prior to registration. The following components shall be inspected:

- 1. Visible Smoke
- 2. Emergency/Parking Brakes
- 3. Turn Signals
- 4. Rear Lights
- 5. Brake Lights
- 6. Head Lights
- 7. Windshield Wipers
- 8. Windshield
- 9. Rearview Mirrors
- 10. Side Mirrors
- 11. Window Tint
- 12. Exhaust and Muffler

I. Emergency/Parking Brakes

The emergency and parking brakes shall function according to the manufacturer's specifications. When emergency brakes or parking brakes are applied, the motor vehicle should not move more than twelve (12) inches in either direction when lightly accelerated.

II. Turn Signals

The turn signals and components shall function according to the manufacturer's specifications. Both the left and right turn signals on the front and rear of the vehicle must be operational. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

III. Rear Lights

The rear lights and components shall function according to the manufacturer's specifications. Rear lights on both sides must be fully illuminated when activated. No aftermarket lenses that reduce the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

IV. Brake lights

The brake lights and lens shall function according to the manufacturer's specifications. Both the left and right brake lights must illuminate brightly when the brakes are applied. This must occur when headlights are in the on and off state. No aftermarket lens that reduces the candle light power should be affixed to the vehicle. Lens shall not be broken or missing.

V. Head Lights

The head lights and components shall function according to the manufacturer's specifications. Both head lights must operate and be properly aligned. The dimmer switch must change the head lights from high to low beam. No aftermarket lens that reduces the candle light power should be affixed to the vehicle. No device or lens may impair the direction or intensity of the headlights.

VI. Windshield Wipers

The windshield wipers and components shall function according to the manufacturer's specifications. The windshield wipers must cover the sweep of the windshield and the blades shall not be frayed or missing.

VII. Windshield

The windshield, front and rear, is designed to help support the roof of the motor vehicle. Cracks or starbursts can reduce the structural integrity of the windshield. Any crack six (6) inches or longer anywhere on the windshield, a crack three (3) inches in length inside the critical area (wiper sweep), starbursts larger than one (1) inch in diameter in the critical area, or a missing windshield shall be cause for inspection failure.

VIII. Rearview Mirror

The rearview mirror shall be attached to the inside of the windshield. The mirror shall not be broken or missing, and shall be in good working condition.

IX. Side Mirrors

The side mirrors shall be attached to the sides of the motor vehicle according to the manufacturer's specifications. The mirrors shall not be broken, or missing, and shall be in good working condition.

X. Window Tint

Windows may have a visible light transmittance equal to, but not less than, that specified in the Federal Motor Vehicle Safety Standard No. 205. Windows may have a visible light transmittance of less than thirty-five percent (35%). (With the exception of the manufacturer's standard installed shade band which reduces the visible light transmittance in the uppermost portion of the windshield below seventy percent (70%). The shade band should not exceed six (6) inches from the top of the windshield or below the AS1 line on the windshield.

XI. Exhaust and Muffler

The muffler and exhaust system shall be in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke, escape of excessive gas, steam or oil, and to prevent entrain carbon monoxide from entering the vehicle. The exhaust system shall extend pass the rear bumper or exit near the rear tires on the motor vehicle according to the manufacturer's specifications.

Sec. 21-311 Motorcycle/Motor scooter Inspections

An annual safety inspection is required on motorcycles and motor scooters that are registered in the City of Memphis. These inspections are performed at the Motor Vehicle Inspection Stations. The following items shall be inspected:

1. Vehicle Identification Number
2. Turn Signals
3. Headlights
4. Brake lights
5. Rearview Mirrors
6. Muffler and Exhaust

I. Motorcycle/Motor scooter Turn Signals

The turn signals and components shall function according to the manufacturer's specifications. Both the left and right turn signals on the front and rear of the motor vehicle must be operational. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

II. Motorcycle/Motor scooter Head Lights

The head lights and components shall function according to the manufacturer's specifications. The head light or head lights must be operational and aligned properly. The dimmer switch must change the head lights from high to low beam. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. No device or lens may impair the direction or intensity of the headlights.

III. Motorcycle/Motor scooter Brake lights

The brake lights and lens shall function according to the manufacturer's specifications. The brake lights must illuminate bright in a steady state when the brakes are applied. This must occur when headlights are in the on and off state. Oscillating or flashing brake lights are legal for emergency vehicles only. No aftermarket lens that reduces the candle light power should be affixed to the motor vehicle. Lens shall not be broken or missing.

IV. Motorcycle/Motor scooter Rearview Mirror

Two rearview mirrors shall be securely mounted. Mirror must not be broken, missing, tarnished, or peeling.

V. Motorcycle/Motor scooter Exhaust and Muffler

The muffler and exhaust system shall be in good working order with a sound baffling device inside the tailpipe. Motor vehicle noise level will be checked in accordance with §21-350 (B)

Sec. 21-312 Procedure when vehicle found defective.

- A. If any motor vehicle fails to pass the windshield safety inspection provided for in this chapter, the registered owner of such motor vehicle shall be allowed fourteen (14) days from the date the motor vehicle registration expires to make repairs or corrections in order that such vehicle shall pass such inspection. The owner of such motor vehicle shall be required to resubmit the motor vehicle for inspection within fourteen (14) days to pass the required inspection.
- B. If any motor vehicle fails to pass the emissions test provided for in this chapter, the registered owner of such motor vehicle shall be provided an inspection certificate stating the date the emissions test was administered and failed and shall be allowed thirty (30) days from the date the vehicle registration expires, in accordance with T.C.A. 55-4-128(a), to make repairs or corrections in order that such motor vehicle shall pass such test. The owner of such motor vehicle shall be required to resubmit the motor vehicle for inspection until such motor vehicle successfully passes the emissions test requirements.
- C. If any motor vehicle fails inspection, excluding the emissions testing, the owner of such motor vehicle shall resubmit the motor vehicle for re-inspection of the failed items within thirty (30) days from the date of failure. Should the owner fail to comply with this provision, the motor vehicle shall be subject to all inspection requirements as specified in Section 21-302.
- D. If, in the opinion of the police director, or his or her designated agent, the director of the division of Public Services and Neighborhoods or his or her designated agent, any motor vehicle is so defective as to make it dangerous to the public to allow such motor vehicle to be operated on the public streets and highways, the time period, as specified in paragraphs A and B above, allowed for repair may be denied and the owner or driver of such motor vehicle shall take same immediately to a place of repair and, until same passes inspection, shall not operate same except to the place where it is to be repaired and to return same to the municipal testing station.
- E. Any owner or driver of any motor vehicle which has not passed inspection, operating same more than thirty (30) days after the time of its inspection, and any owner or driver of a motor vehicle which has failed to pass on re-inspection, or which has been declared dangerous and ordered immediately repaired, operating same otherwise than as hereinabove provided, shall be guilty of a misdemeanor.

Sec. 21-313 Director of Public Services and Neighborhoods authorized to promulgate rules and regulations regarding inspection of vehicles.

The director of Public Services and Neighborhoods is authorized to promulgate rules and regulations subject to approval of the council for the inspection of motor vehicles, setting forth the equipment of such motor vehicles to be inspected in accordance with the standards and provisions of this title and such other standards as approved in such rules and regulations.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been approved by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the Comptroller.

Myron Lowery
Council Chairman

Attest:

Patrice Thomas, Comptroller

CITY COUNCIL RESOLUTION

WHEREAS, Ridgeway High School is a four year, comprehensive Memphis public school that serves a highly diversified community in grades nine through twelve; and

WHEREAS, Ridgeway High School draws sixty percent of its student population from the southeastern section of Memphis, and approximately forty percent of the students are granted transfers under school choice enrollment; and

WHEREAS, Ridgeway High School, a newly approved International Baccalaureate School, serves to foster academic excellence, a safe, nurturing and diverse environment where students become active learners and well-rounded, engaged world citizens; and

WHEREAS, the International Baccalaureate Program, known for its rigorous external assessment, is recognized and respected by universities worldwide and emphasizes critical thinking as well as inter-cultural understanding and respect for others in the global community; and

WHEREAS, Ridgeway High School exemplifies those qualities as advocated by President Barack Obama, who has placed education as one of his top priorities during his administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL, that Ridgeway High School is to be commended upon receiving designation as an “International Baccalaureate School” and the Council urges President Barack Obama to visit Memphis to recognize the school’s achievements in local education.

JANIS FULLILOVE
Council Member